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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,349	02/22/2000	Takashi Kurimoto	034620-049	2612

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EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/510,349	Applicant(s) KURIMOTO ET AL.	
	Examiner Shick C. Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4,6-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,10,12 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 6-9,11 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 4, 6-16, 18-27 have been considered but are moot in view of the new ground(s) of rejection.

No art rejection have been applied to claims 18-27 due to 112 second paragraph problem, because the claims are not clear.

### ***Drawings***

2. Figures 19-23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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***Claim Objections***

3. Claim 9 is objected to because of the following informalities: in claim 9 line 3, delete typo "form" and insert ---from---. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claims 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18 line 1 which recite dependence upon "claim 2" is not clear because claim 2 have been cancelled.

Claims 19-27 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claim 18.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 4, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamoi et al. (5,280,483).

Regarding claim 4:

Kamoi et al. disclose a datagram transfer system for receiving datagrams sent from individual users' terminals in a datagram transmission node and forwarding said datagrams to a destination address specified on a header of said data-grams (see col. 1 lines 37-43 and col. 2 lines 19-27 which recite the packet switching system whereby each cell is constituted by a header and data wherein the header contains the address of the destination clearly anticipate the datagram transfer system for receiving and forwarding datagrams using the destination address on the header), wherein an impact of said datagrams on network operation is evaluated by a traffic monitoring equipment according to traffic information on said datagrams, evaluation results are quantified, and quantified results are converted and are inserted in said header as a preference value (see col. 28 lines 48-68 which recite maintaining service quality when congestion occurs including the function of monitoring the amount of cells entering into the communication path

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and cells being marked at the header when the amount exceeds the described amount clearly anticipate the traffic monitoring equipment evaluating the impact of the datagrams on the network and inserting a preference value in the header), and wherein said datagram transmission node includes a back plane switch section for transferring a datagram from an incoming interface section to an outgoing interface section without causing internal blocking (see col. 19 lines 3-29 which recite the self routing module SRM switch for passing cell to the output highway clearly anticipate the back plane switch section for transferring a datagram without internal blocking), and a buffer enqueue control section for obtaining the preference value from the datagram received in said outgoing interface section, selecting priority datagrams to be transmitted successively in an ascending order of preference values from a low preference value to a high preference value so as to avoid traffic congestion and entering said priority datagrams in a buffer memory (see col. 34 lines 10-42 which recite the control device and cell accumulation measuring unit for detecting congestion and discarding low priority cells in the buffer memory using the threshold value clearly reads

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on the buffer enqueue control section for selecting priority datagrams to be transmitted to avoid congestion).

Regarding claim 10:

Kamoi et al. disclose wherein said traffic monitoring equipment computes a difference between a number of datagrams transmitted by a user and a number of datagrams received by said user, for use as the preference value (see col. 29 line 50 col. 30 line 18 which recite the control system detecting the difference between the read out address and the write in address of the buffer storage and marking cell for discard clearly anticipate the equipment computes a difference between a number of datagrams transmitted by a user and a number of datagrams received, for use as the preference value).

Regarding claim 12:

Kamoi et al. disclose wherein said outgoing interface section includes a class-divided buffer memory section having a plurality of priority orders, and said buffer enqueue control section performs prioritized forwarding by entering datagrams in said class-divided buffer memory section according to the preference value (see col. 14 lines 13-16 and col. 16 line 61 to col. 17 line 13 which recite congestion control including quality class control

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and judgment as to whether or not the required service quality can be maintained for rejecting call clearly reads on the class-divided buffer memory).

#### ***Allowable Subject Matter***

7. Claims 6-9, 11, and 13-16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsuchimoto et al. disclose inter-subsystem communication system.

Ghani et al. disclose Ecn-based approach for congestion management in hybrid IP-ATM networks.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANGTON  
Patent Examiner